

# Notice of Allowability

Application No.

09/391,335

Examiner

Luke Gilligan

Applicant(s)

JOAO, RAYMOND ANTHONY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/07.
2. ☒ The allowed claim(s) is/are 79,544,546-551,553-556,558-560,562-572,582-591,594-599,601,603-608,610-613,616,617,619-630,632-643,645-648,651-656,658-671,676-679,681-721,723,727,728,730-786,790 and 791.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

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|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070720</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Raymond Joao on 7/17/07.
3. The application has been amended as follows:
4. Please amend claims 661, 709, 710, and 759 as follows (full text of the amended claims appears below):

Claim 661. A computer-implemented method, comprising:

storing or processing information regarding a benefit provided to an employee pursuant to an employee benefit relationship between the employee and a benefit provider, wherein the benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, and a life insurance benefit, wherein the employee benefit relationship is established pursuant to or during a first employment relationship between the employee and a first employer;

storing or processing information for providing or maintaining the benefit provided to the employee pursuant to the employee benefit relationship pursuant to or during a second employment relationship between the employee and a second employer, wherein the second employment relationship is a current employment relationship, wherein the benefit provided pursuant to the employee benefit relationship is paid for or provided at least in part by the second

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employer in or pursuant to the second employment relationship and is included in employee benefits provided to the employee by the second employer;

receiving a request for information regarding the benefit provided pursuant to the employee benefit relationship which is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and which is included in employee benefits provided to the employee by the second employer;

processing the request for information regarding the benefit with a processing device using employee benefits information stored in a database or a memory device, wherein the processing device is a computer or a computer system which is accessed via, on, or over, at least one of the Internet and the World Wide Web or which operates on or over at least one of the Internet and the World Wide Web;

generating a message in response to the processing of the request for information regarding the benefit, wherein the message contains a response to the request for information regarding the benefit; and

transmitting the message to a communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator, wherein the message is transmitted to the communication device via, on, or over, at least one of the Internet and the World Wide Web.

Claim 709. A computer-implemented method, comprising:

storing or processing information regarding a benefit provided to an employee pursuant to an employee benefit relationship between the employee and a benefit provider, wherein the benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, and a life

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insurance benefit, wherein the employee benefit relationship is established pursuant to or during a first employment relationship between the employee and a first employer;

storing or processing information for providing or maintaining the benefit provided to the employee pursuant to the employee benefit relationship pursuant to or during a second employment relationship between the employee and a second employer, wherein the second employment relationship is a current employment relationship, wherein the benefit provided pursuant to the employee benefit relationship is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and is included in employee benefits provided to the employee by the second employer;

receiving a request for information regarding the benefit provided pursuant to the employee benefit relationship which is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and which is included in employee benefits provided to the employee by the second employer, and further wherein the request for information regarding the benefit is transmitted from a communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator;

processing the request for information regarding the benefit, wherein the processing device is a computer or a computer system which is accessed via, on, or over, at least one of the Internet and the World Wide Web or which operates on or over at least one of the Internet and the World Wide Web;

generating a message in response to the processing of the request for information regarding the benefit, wherein the message contains a response to the request for information regarding the benefit; and

transmitting the message to the communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator, wherein the

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message is transmitted to the communication device via, on, or over, at least one of the Internet and the World Wide Web.

Claim 710. A computer-implemented method, comprising:

storing or processing information regarding a benefit provided to an employee pursuant to an employee benefit relationship between the employee and a benefit provider, wherein the benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, and a life insurance benefit, and further wherein the employee benefit relationship is established pursuant to or during a first employment relationship between the employee and a first employer;

storing or processing information for providing or maintaining the benefit provided to the employee pursuant to the employee benefit relationship pursuant to or during a second employment relationship between the employee and a second employer, wherein the second employment relationship is a current employment relationship, wherein the benefit provided pursuant to the employee benefit relationship is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and is included in employee benefits provided to the employee by the second employer;

receiving a request for the benefit or a claim for the benefit, wherein the benefit is the benefit provided pursuant to the employee benefit relationship which is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and which is included in employee benefits provided to the employee by the second employer;

processing the request for the benefit or the claim for the benefit with a processing device, wherein the processing device is a computer or a computer system which is accessed via, on, or over, at least one of the Internet and the World Wide Web or which operates on or over at least one of the Internet and the World Wide Web;

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generating a message in response to the processing of the request for the benefit or the claim for the benefit, wherein the message contains a response to the request for the benefit or the claim for the benefit; and

transmitting the message to a communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator, wherein the message is transmitted to the communication device via, on, or over, at least one of the Internet and the World Wide Web.

Claim 759. A computer-implemented method, comprising:

storing or processing information regarding a benefit provided to an employee pursuant to an employee benefit relationship between the employee and a benefit provider, wherein the benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, and a life insurance benefit, and further wherein the employee benefit relationship is established pursuant to or during a first employment relationship between the employee and a first employer;

storing or processing information for providing or maintaining the benefit provided to the employee pursuant to the employee benefit relationship pursuant to or during a second employment relationship between the employee and a second employer, wherein the second employment relationship is a current employment relationship, wherein the benefit provided pursuant to the employee benefit relationship is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and is included in employee benefits provided to the employee by the second employer;

receiving a request for the benefit or a claim for the benefit, wherein the benefit is the benefit provided pursuant to the employee benefit relationship which is paid for or provided at least

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in part by the second employer in or pursuant to the second employment relationship and which is included in employee benefits provided to the employee by the second employer, and further wherein the request for the benefit or a claim for the benefit is transmitted from a communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator;

processing the request for the benefit or the claim for the benefit with a processing device, wherein the processing device is a computer or a computer system which is accessed via, on, or over, at least one of the Internet and the World Wide Web or which operates on or over at least one of the Internet and the World Wide Web;

generating a message in response to the processing of the request for the benefit or the claim for the benefit, wherein the message contains a response to the request for the benefit or the claim for the benefit; and

transmitting the message to the communication device associated with at least one of the employee, a benefit beneficiary, the second employer, and a benefit administrator, wherein the message is transmitted to the communication device via, on, or over, at least one of the Internet and the World Wide Web.

### ***Election/Restrictions***

5. Claims 544, 546-551, 553-556, 558-560, 562-572, 582-591, 594-599, 661-672, 676-679, 681-708, 762-786, 790, 791, 794, and 796-820 are allowable. Claims 601, 603-608, 610-613, 616, 617, 619-630, 632-643, 645-648, 651-656, 658-660, 709-721, 723, 725-728, 730-761, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between species of the generic feature of wherein the employee**

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**benefits information comprises and between species of the generic feature of wherein the employee benefits account includes, as set forth in the Office action mailed on 08 February 2005, is hereby withdrawn** and claims 601, 603-608, 610-613, 616, 617, 619-630, 632-643, 645-648, 651-656, 658-660, 709-721, 723, 725-728, 730-761 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowable Subject Matter***

6. Claims 544, 546-551, 553-556, 558-560, 562-572, 582-591, 594-599, 601, 603-608, 610-613, 616, 617, 619-630, 632-643, 645-648, 651-656, 658-671, 676-679, 681-721, 723, 727, 728, 730-775, 776-786, 790, 791, 794, and 796-820 are allowed. The following is an examiner's statement of reasons for allowance:

7. The primary reason for the allowance of claims 544, 546-551, 553-556, 558-560, 562-572, 582-591, 594-599, 601, 603-608, 610-613, 616, 617, 619-630, 632-643, 645-648, 651-656, and 658-660 is the inclusion of the limitations in all of the claims that is not found in the prior art of receiving a request or claim for an employee benefit over the Internet or World Wide Web, processing the request with a processing device using vacation time, personal time, or sick time information and health insurance, disability, life insurance, employee discount, buying service, tuition reimbursement, educational assistance program, in-house training, child care program,



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day care program, or stock option information, determining with the device whether the requested or claimed employee benefit will be provided, generating a message with the processing device indicating that a using vacation time, personal time, sick time, health insurance, disability, life insurance, employee discount, buying service, tuition reimbursement, educational assistance program, in-house training, child care program, day care program, or stock option benefit is provided or will be provided, and transmitting the message to a device associated with the employee, benefit beneficiary, employer, or benefit administrator over the Internet or World Wide Web. The closest prior art (Valentino, U.S. Patent No. 4,648,037, Green, U.S. Patent No. 6,192,346, and Vizard, N.Y. saves big with client server) teaches processing of employee benefits information such as enrolling in or updating of employee benefits (column 7, lines 22-34 of Valentino), along with automated management of vacation and holiday scheduling (column 2, line 67 – column 3, line 3 of Green), and further discloses a general use of online employee benefits claims processing (Vizard). Although the prior art does suggest online processing of employee benefits claims in general, the prior art (Vizard in particular) fails to teach processing a request or a claim for the employee benefit using at least two pieces of information that include vacation time, personal time, or sick time information and health insurance, disability, life insurance, employee discount, buying service, tuition reimbursement, educational assistance program, in-house training, child care program, day care program, or stock option information, and fails to explicitly teach processing and transmitting the information over the Internet or World Wide Web.

8. The primary reason for the allowance of claims 661-671, 676-679, 681-721, 723, 727, 728, 730-761 is the inclusion of the limitations in all of the claims that is not found in the prior art of storing or processing information regarding a healthcare insurance, disability insurance, or life insurance benefit provided to an employee pursuant to an employee benefit relationship

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between the employee and a benefit provider during a first employment relationship between the employee and a first employer, storing or processing information for providing or maintaining the benefit during a second employment relationship between the employee and a second employer, wherein the benefit is paid for or provided at least in part by the second employer in or pursuant to the second employment relationship and is included in employee benefits provided to the employee by the second employer, receiving a request for information regarding the benefit that is paid for or provided by the second employer, processing the request for information using employee benefits information stored in a database or memory device, generating a message in response to the processing containing a response to the request for information and transmitting the request over the Internet or World Wide Web to a device associated with the employee, benefit beneficiary, second employer, and benefit administrator. The closest prior art teaches processing of employee benefits information such as enrolling in or updating of employee benefits (column 7, lines 22-34 of Valentino) along with transferring pension benefits from a first employer in a previous employment relationship to a second employer in a current employment relationship (see paragraphs 7-10 and 17-20 of Foster, Portability of pension benefits among jobs). However, the prior art fails to teach such a transfer of healthcare insurance, disability insurance, or life insurance benefits. Furthermore, there is no suggestion within the prior art to modify Foster to transfer these other types of employee benefits.

9. The primary reason for the allowance of claims 762-775 and 818-820 is the inclusion of the limitations in all of the claims that is not found in the prior art of storing information regarding a request by an employee or a benefit beneficiary to be notified regarding a posting of an offering of a benefit or an offer to sell a benefit or a benefit package that is not available to the employee or benefit beneficiary prior to the posting, automatically detecting the posting of an

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offering of a benefit or an offer to sell a benefit or a benefit package by a processing device, automatically generating a first message containing information regarding the posting by the processing device, transmitting the first message to a first communication device associated with the employee or benefit beneficiary, receiving a second message from the employee or benefit beneficiary containing information regarding a request to enroll in the benefit or in the benefit package, and enrolling the employee or benefit beneficiary in the benefit or benefit package. The closest prior art teaches processing of employee benefits information such as enrolling in or updating of employee benefits (column 7, lines 22-34 of Valentino) along with automatically notifying employees of benefit updates (paragraphs 6-8 and 11 of Secrist, Intelligent messaging system notifies plant personnel), and further teaches requesting be notified of the posting of information (Fox, U.S. Patent No. 6,654,786). However, none of the prior art teaches requesting to be notified of the posting of a newly available benefit or benefit package and subsequently enrolling an employee or benefit beneficiary in that benefit or benefit package in response to a request from an employee or benefit beneficiary who has been notified of the new benefit or benefit package.

10. The primary reason for the allowance of claims 776-781 is the inclusion of the limitations in all of the claims that is not found in the prior art of storing information regarding a request by a benefit provider to be notified regarding a posting by an employee or a benefit beneficiary of a need, request, or requirement to buy or obtain a benefit or a benefit package that is not available to the employee or benefit beneficiary at the time of the posting, automatically detecting the posting, automatically generating a message containing information regarding the posting, transmitting the message to a device associated with the benefit provider, and enrolling the employee or the benefit beneficiary in the benefit or the benefit package. The closest prior art teaches processing of employee benefits information such as enrolling in or updating of

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employee benefits (column 7, lines 22-34 of Valentino) along with automatically notifying employees of benefit updates (paragraphs 6-8 and 11 of Secrist, Intelligent messaging system notifies plant personnel), and further teaches requesting be notified of the posting of information (Fox, U.S. Patent No. 6,654,786). However, none of the prior art teaches requesting to be notified of the posting of a request for a currently unavailable benefit, notifying the benefit provider of the request, and enrolling the employee in the requested benefit.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Provost teaches an automated insurance claims processing system.
- Boyer teaches an automated insurance claims processing system.
- DiRienzo teaches an automated insurance claims processing system.
- Moore teaches an automated insurance claims processing system.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/20/07

  
C. LUKE GILLIGAN  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600